

**ORDINANCE NO. 08-60**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION AND FEES", ARTICLE IV. AD VALOREM TAX, OF THE CODE OF ORDINANCES BY REVISING HIALEAH CODE § 86-176 ENTITLED "ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING SENIOR CITIZENS" TO PROVIDE AN INCREASE IN THE ADDITIONAL HOMESTEAD EXEMPTION FROM \$25,000 TO \$50,000 TO BE APPLIED TO MILLAGE RATES LEVIED BY THE CITY FOR ANY PERSON 65 YEARS OR OVER WHO HAS LEGAL OR EQUITABLE TITLE TO REAL ESTATE LOCATED WITHIN THE CITY OF HIALEAH ALREADY QUALIFYING FOR AND RECEIVING A HOMESTEAD EXEMPTION, WHOSE HOUSEHOLD INCOME DOES NOT EXCEED THE ANNUAL LOW-INCOME LIMITATION AND WHO FULFILLS ALL APPLICATION REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to section 196.075, Florida Statutes, the Florida Legislature provided the governing body of any municipality the option of adopting an ordinance to allow an additional homestead exemption of \$50,000 for any person who has the legal or equitable title to real estate and maintains thereon his or her permanent residence, who has attained age 65, and whose household income does not exceed \$20,000 as adjusted upward from time to time; and

**WHEREAS**, the City of Hialeah desires to implement the provisions of section 196.075 by adopting this ordinance increasing the additional homestead exemption to \$50,000.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 86 entitled "Taxation and Fees", Article IV. Ad Valorem Tax, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code §86-176 entitled "Additional homestead exemption for certain qualifying senior citizens", to read as follows:

## Chapter 86

## TAXATION AND FEES

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## Article IV. AD VALOREM TAX

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**Sec. 86-176. Additional homestead exemption for certain qualifying senior citizens.**

(a) According to section 6(f), Article VII of the Florida Constitution and section 196.075, Florida Statutes, any person 65 years or over who has legal or equitable title to real estate located within the City of Hialeah and maintains thereon his or her permanent residence which qualifies for and receives homestead exemption pursuant to section 6(f), Article VII of the Florida Constitution, and whose household income does not exceed ~~\$20,000~~ the annual income limitation set forth in subsection (e) shall be entitled to make application for an additional homestead exemption of ~~\$25,000~~ \$50,000. This additional homestead exemption, if granted, shall be applicable to all ad valorem tax millage rates levied by the city.

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(e) Commencing January 1, 2001, and each January 1 thereafter, the \$20,000 annual income limitation ~~provided in subsection (a) of this section~~ shall be adjusted annually and applicable as of January 1 of that year. The annual income limitation shall be adjusted by the percentage of change in the average cost-of-living index for the immediately preceding calendar year prior to that year. As used in the section, the term "index" shall be the average of the monthly consumer-price index figures for the stated period, for the United States as a whole, issued by the United States Department of Labor.

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**Section 2:** The City Clerk is hereby directed to submit a certified copy of this ordinance to the Miami-Dade County Property Appraiser prior to December 1, 2008.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 5: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

**Section 6: Severability Clause.**

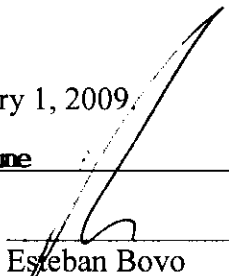
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 7: Effective Date.**

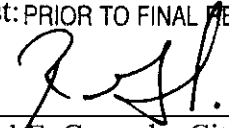
This ordinance shall become effective January 1, 2009.

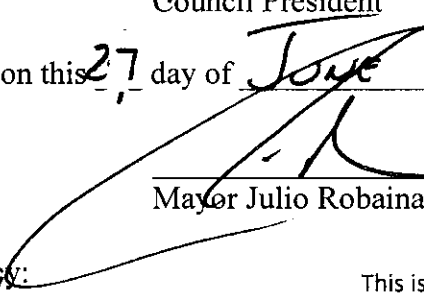
PASSED and ADOPTED this 24th day of June, 2008.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041

  
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Esteban Bovo  
Council President

Attest: PRIOR TO FINAL READING. Approved on this 27 day of June, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
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William M. Grodnick, City Attorney

This is corrected Ordinance  
08-60. A scrivener's error  
was reported at the City  
Council meeting of  
September 8, 2009.

~~Strikethrough~~ indicates deletion. Underline indicates addition.